

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:04CV211-1-MU

JEFFREY S. CERKONEY,

Plaintiff,

v.

MARCUS HUGHES, et al.,

Defendants.

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ORDER

THIS MATTER comes before the Court upon Defendants' Motion for Summary Judgment, filed March 13, 2006.

On March 14, 2006, this Court sent the Plaintiff an Order in compliance with Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975). In this Order, the Court notified the Plaintiff that the Defendants had filed a Motion for Summary Judgment and that if the Plaintiff failed to respond to this motion within thirty days, the Court might grant the Motion for Summary Judgment. As of this date, Plaintiff has failed to respond to the Defendants' Motion. The Court has carefully reviewed the Defendants' Motion for Summary Judgment and for the reasons set forth therein finds that Defendants are entitled to a dismissal.

IT IS THEREFORE ORDERED THAT:

1. Defendants' Motion for Summary Judgment is GRANTED; and
2. Plaintiffs' Complaint is DISMISSED.

Signed: April 20, 2006

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

